IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO.7288 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. M.S. Topkar, for the Petitioner
Mr. R.D. Rane, AGP for Respondents

CORAM : F.I. REBELLO & S.P.KUKDAY,JJ.
DATED : 1st March, 2005
P.C.

. The challenge by the petitioner is two fold. It is firstly contended that enquiry has been initiated against him and that should be quashed. It is secondly contended that during the course of enquiry adverse entries have been communicated which could not have been done.

2. Holding of a Departmental Enquiry and writing of Confidential Reports are two different aspects, unconnected with each other. One is for the purpose of maintaining the confidential records of the petitioner and the other is for misconduct in the course of his service. In so far as adverse C.R. is concerned it is always open to the petitioner to represent against the adverse C.Rs. and it is for the Reviewing Authority if the petitioner has made representation to consider the same and dispose them of. As the petitioner has a remedy and till date he has not been

informed that the Reviewing Authority has rejected his representation it will be premature at this stage to interfere in so far as the C.Rs. are concerned.

3. In so far as the enquiry is concerned the enquiry is going on. It would not be appropriate for this Court on an on going enquiry to interfere with the said enquiry. It will be open to the petitioner to lead all such evidence which he has in the enquiry and thereafter if any adverse order is passed to take appropriate remedy which he will be entitled to take in law.

. With the above observations petition stands disposed of.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)